

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

07/15/2019

JULIA C. DUDLEY, CLERK
BY: s/ F. COLEMAN
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

TERESA MOREY,

Plaintiff,

v.

AVANTE AT LYNCHBURG, INC., *ET AL.*,

Defendants.

6:19-cv-00024

ORDER

JUDGE NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE

This matter is before the Court on Defendants Curis Health Systems, LLC, Curis at Lynchburg OPCO, LLC, Curis at Lynchburg Propco, LLC, and Sentosacare, LLC's (collectively "Curis Defendants") partial motion to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). (Dkt. 29). The Curis Defendants argue that Plaintiff Teresa Morey ("Plaintiff") has failed to allege sufficient factual allegations to support her claim of successor liability, thus Counts I–IV of Plaintiff's complaint, (dkt. 1), should be dismissed as to the Curis Defendants. After a review of the materials and arguments submitted by the parties, the Court finds that Plaintiff failed to plead facts sufficient to state a claim of successor liability. Accordingly the Curis Defendants' partial motion to dismiss, (dkt. 29), is **GRANTED**.

Counts I–IV of Plaintiff's complaint are **DISMISSED** without prejudice as to the Curis Defendants, and Plaintiff's motion for leave to file an amended complaint, (dkt. 33 at 19), is **GRANTED**. The Clerk of the Court is hereby directed to file Plaintiff's amended complaint as submitted at ECF No. 37-1.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a copy of this order to all counsel of record.

Entered this 15th day of July, 2019.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE